

GAHC010217302023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./3431/2023

NAJRUL ISLAM
S/O ABDUL MANNAN
R/O VILL- DURABANDHI,
W/O NO. 10,
P.S. MOIRABARI
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05-10-2023

Heard Ms. S. K. Nargis, learned counsel for the accused and also heard Mr. P. Borthakur, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Najrul Islam, who has been languishing in jail hajot since 14.09.2023, in connection with Moirabari P.S. Case No. 197/2023, under Sections 120(B)/419/420/379/411/34 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Jitumoni Das, ASI of Moirabari P.S, on 13.9.2023.

The essence of allegation, made in the FIR, dated 13.9.2023, is that acting on a tip off the

informant and other staff have checked one dumper, bearing registration No.AS-27-C-0751, which was being parked in front of H.P. Petrol Pump at Sagunbahi and found 4055 kg of suspected Burmese Suparis, concealed under crushed stones and the driver of the vehicle, Md. Mustafa failed to produce any document in respect of the aforesaid suspected Burmese Supari.

Ms. Nargis, learned counsel for the accused submits that the accused was arrested on 14.09.2023, and since then, he has been languishing in jail hazot and that the accused is a local person and he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

On the other hand, Mr. P.Borthakur, learned Addl. P.P. submits that apart from 4055 Kgs. of Burmese Supari, recovered from the Dumper bearing registration No.AS-27-C-0751 another 84 bags of the suspected Burmese Suparis, weighing 4060 kgs were recovered from the go-down of the present accused and that the investigation is going on and therefore, Mr. Borthakur, learned Addl. P.P. has opposed the petition.

Having heard the submission of learned Advocates for both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Addl. P.P for the State respondent.

It appears from the case diary that the I.O. has collected some materials to show complicity of the accused with the offence alleged in the FIR. Case diary also indicates that investigation is still going on. However it is not in dispute that the accused was arrested on 14.09.2023, and since then he has been languishing in jail hazot.

Having regards to the nature and gravity of the offence and the punishment for the same and also balancing the same with the period of detention, this Court of the view that further custodial detention of the accused seems to be not warranted, in the interest of investigation and accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate Morigaon, the accused be enlarged on bail.

In terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant